

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

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CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY: [Signature] CLERK

UNITED STATES OF AMERICA,  
PLAINTIFF,

V.

WALTER OLENICK AND  
M. RAE NADLER-OLENICK,  
DEFENDANTS.

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CIVIL NO. A-18-CV-00675-LY

**ORDER**

Before the court in the above styled and numbered cause are the Defendants *pro se* Walter Olenick and M. Rae Nadler-Olenick's (the "Olenicks") Motion to Strike/Withdraw Referral Order filed October 30, 2018 (Clerk's Document No. 13) and Plaintiff United States of America's Motion to Dismiss Respondents' Original Counterclaim filed October 23, 2018 (Clerk's Document No. 12). Through their motion, the Olenicks contend that as they have not consented to proceeding before a United States Magistrate Judge, the court's referral Order, signed October 15, 2018 (Clerk's Document No. 11), improperly referred several pending matters in this action to the magistrate judge for report and recommendation. The Olenicks are misinformed. This court, *inter alia*, may "designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition by the judge of the court, of any motion." 28 U.S.C. § 636(b)(1)(B); *see also* Fed. R. Civ. P. 72(b)(1). It is pursuant to these provisions, that the court has referred matters pending in this action to the magistrate judge.

**IT IS ORDERED** that Defendants *pro se* Walter Olenick and M. Rae Nadler-Olenick's Motion to Strike/Withdraw Referral Order filed October 30, 2018 (Clerk's Document No. 13) is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiff United States of America's Motion to Dismiss Respondents' Original Counterclaim filed October 23, 2018 (Clerk's Document No. 12) and any response or reply that may be filed, are **REFERRED** to United States Magistrate Judge Mark Lane for report and recommendation. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72; Loc. R. W. D. Tex. Appx. C, Rule 1(d).

SIGNED this 31st day of October, 2018.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE